

Submission by the United Nations High Commissioner for Refugees

For the Office of the High Commissioner for Human Rights' Compilation Report

Universal Periodic Review:

2nd Cycle, 24th Session

SINGAPORE

I. BACKGROUND INFORMATION

Singapore is not party to the *1951 Convention relating to the Status of Refugees* and its *1967 Protocol* (hereinafter jointly referred to as the *1951 Convention*), the *1954 Convention relating to the Status of Stateless Persons* (the *1954 Convention*) or the *1961 Convention on the Reduction of Statelessness* (the *1961 Convention*).

As of 28 February 2015, Singapore hosted three refugees (all adult men) and no asylum-seekers.

In the absence of national asylum and refugee legislation and procedures in Singapore, UNHCR conducts registration and refugee status determination (RSD) and undertakes the search for durable solutions. Refugees and asylum-seekers who are in Singapore irregularly remain in detention until a durable solution is identified for them.

UNHCR has not been provided with data on the number and profile of stateless persons in Singapore by the Government, although it is aware that Singapore grants permanent residency to some stateless persons and issues international travel documents to permit travel.

II. ACHIEVEMENTS AND POSITIVE DEVELOPMENTS

The Singapore Inter-Agency Taskforce on Trafficking in Persons was established in 2010 in recognition of the threat of trafficking in persons in Singapore.¹ Co-chaired by the Ministry of Home Affairs and the Ministry of Manpower, the Taskforce includes representatives from the Singapore Police Force, Immigration and Checkpoints Authority, Ministry of Social and Family Development, Ministry of Health, Ministry of Law, Ministry of Foreign Affairs and

¹ <http://www.mom.gov.sg/foreign-manpower/trafficking-in-persons/Pages/default.aspx>.

the Attorney General's Chambers. The aim of the Taskforce is to implement holistic, co-ordinated strategies to combat trafficking in persons more effectively.

The Government of Singapore has expressed its commitment to combating trafficking in persons, highlighting its four 'P' approach – effective prevention, active prosecution, victim protection and proactive problem-solving with foreign counterparts and NGOs. In particular, the Government of Singapore has clarified that trafficking victims were not prosecuted for immigration or other offences.²

In 2011, the Taskforce started work on a *National Plan of Action (NPA)*³ based on the 4 'P's of Prevention, Prosecution, Protection and Partnership, to set out strategic outcomes and implementation plans to combat trafficking in persons. The *NPA* was drafted after consultation with stakeholders, and launched on 21 March 2012. The *NPA* contains 31 initiatives and is a roadmap for concerted action from 2012 to 2015. In particular, the *NPA* focuses on preventive measures, steps to increase enforcement efforts, and the importance of victim-centred protection measures providing appropriate care for identified victims of trafficking.

Concerning suggestions for the establishment of an independent human rights institution, the Government of Singapore has provided assurances that it is firmly committed to the effective implementation of human rights through overlapping and mutually reinforcing forms of protection. At the regional level, Singapore has worked closely with ASEAN, in particular through its Intergovernmental Commission on Human Rights and the Commission for the Promotion and Protection of the Rights of Women and Children.⁴

III. KEY PROTECTION ISSUES, CHALLENGES AND RECOMMENDATIONS

Issue 1: Access to the territory and non-penalization for illegal entry

There are serious challenges with regards to access to the territory and non-penalization for irregular entry in Singapore. The *1959 Immigration Act*⁵ provides that entry into Singapore shall be only through approved routes and with valid travel documents including a Singapore visa if required.⁶ Violations of these conditions are termed offences with penalties, including fines, imprisonment, and mandatory caning.⁷ Additionally, the *Act* specifies⁸ that "prohibited immigrants" include persons who entered Singapore unlawfully or persons who are not in possession of valid travel documents or are in possession of forged or altered travel

² See "Report of the Working Group on the Universal Periodic Review – Singapore", 11 July 2011, paragraph 55, available at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/145/27/PDF/G1114527.pdf?OpenElement>.

³ Available at: http://www.mfa.gov.sg/content/dam/mfa/images/media_center/special_events/National%20Plan%20of%20Action%20Against%20Trafficking%20in%20Persons%202012%20-%202015/tipbooklet_080812.pdf

⁴ See "Report of the Working Group on the Universal Periodic Review – Singapore", 11 July 2011, paragraph 89, available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/145/27/PDF/G1114527.pdf?OpenElement>.

⁵ Available at: <http://statutes.agc.gov.sg/aol/search/display/view.w3p;page=0;query=DocId%3A%22d0fd4d9d-0e2f-462f-a0df-0df7ecdc86d1%22%20Status%3Apublished%20Depth%3A0;rec=0;whole=yes>

⁶ At sections 5 and 5A of the *1959 Immigration Act*.

⁷ At Section 6(3) of the *1959 Immigration Act*.

⁸ At Section 8 of the *1959 Immigration Act*.

documents. Asylum-seekers are often subject to detention and corporal punishment as they are considered to have violated the provisions of the *1959 Immigration Act*.

In line with international standards,⁹ the detention of asylum-seekers and refugees should only be used as a last resort where necessary and justified. Entry in search of protection should not be considered an unlawful act and asylum-seekers ought not to be penalized solely due to illegal entry or stay related to a need for international protection. Alternatives to detention should be sought and given preference, in particular for certain categories of persons with specific needs. If detained, asylum-seekers should be entitled to minimum procedural safeguards, including the possibility to contact and be contacted by UNHCR, as well as access to counsel and prompt judicial review of the appropriateness and legality of their confinement. Detention should in no way constitute an obstacle to the asylum-seekers' possibilities to pursue their asylum application.

Ensuring respect for the right to seek asylum also includes facilitating safe disembarkation of individuals arriving irregularly by sea to Singapore (including stowaways) who wish to seek international protection as refugees. Such individuals should be given access to UNHCR and provided with the opportunity to apply for refugee status if they so wish.

During the 1st cycle UPR, the Governments of the United Kingdom, Czech Republic, France and Djibouti made recommendations to the Government of Singapore to abolish corporal punishment, particularly for immigration offenders.¹⁰

Recommendations:

UNHCR recommends that the Government of Singapore:

- Amend the *1959 Immigration Act* to enable asylum-seekers to access the territory without any penal sanctions, particularly corporal punishment;
- Ensure that the detention of asylum-seekers and refugees is only used as a last resort, and where necessary, for the shortest possible time period and further apply alternatives to detention; and
- Facilitate safe disembarkation of individuals arriving irregularly by sea who wish to seek international protection as refugees and provide them with the opportunity to apply for refugee status if they so wish.

Issue 2: Exercise of the right to seek asylum through fair and efficient procedures

Singapore is not a State party to the *1951 Convention*, and there is no domestic legal framework for the protection of refugees and asylum-seekers, including on the principle of *non-refoulement*. UNHCR would like to reiterate that the principle of *non-refoulement*, as embodied in Article 33 of the *1951 Convention* and complemented by *non-refoulement* obligations under international human rights law, constitutes a rule of customary international law. As such, it is binding on all States, including those which have not yet acceded to the

⁹ See, in particular, UNHCR, *Guidelines on the Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention*, 2012, available at:

<http://www.refworld.org/docid/503489533b8.html>.

¹⁰ See "Report of the Working Group on the Universal Periodic Review – Singapore," 11 July 2011, paragraphs 96.32, 97.7 and 97.8, available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/145/27/PDF/G1114527.pdf?OpenElement>.

1951 Convention. However, unless and until the *1951 Convention* is acceded to and there is a sound legal framework to ensure respect for the principle of *non-refoulement*, there are insufficient safeguards against *refoulement*.

Singapore, as an advanced economy and leader in the region, needs to develop a national framework on asylum. Accession to the *1951 Convention* and the establishment of a national legal framework on asylum would give the Government a basis for providing refugees with international protection. A national asylum procedure should ensure that claims of asylum-seekers, particularly those with specific needs such as women¹¹ and children¹² are properly considered, notably by taking into consideration the particularities of these types of asylum claims and the need to incorporate child- and gender-sensitive elements both in the substantive analysis of the refugee claim, and procedural and evidentiary safeguards during its examination, including interviews, evidentiary requirements, credibility assessment, and communication methods.

The Committee on the Rights of the Child has recommended¹³ that the Government of Singapore consider ratifying the *1951 Convention*, develop a legislative framework for the protection of refugee and asylum-seeking children, and uphold the principle of *non-refoulement* in all circumstances.

Pending the establishment of national asylum procedures, the Government of Singapore is encouraged to consider the possibility of implementing other temporary alternative measures to grant safety and temporary refuge to asylum-seekers and refugees. As an example, initiatives are being developed in several States in the South-East Asia sub-region affected by increased arrivals of people of Rohingya ethnicity from Rakhine state in Myanmar, where inter-communal violence has broken out since mid-2012. The proposed initiative involves the transitioning of Rohingya refugees to temporary foreign worker status and affording them the entitlements enjoyed by that category of immigrants under national legislation. Such measures provide a legal basis for refugees to stay and work on a temporary basis, until return to their country of origin in safety and dignity becomes possible.

Recommendations:

UNHCR recommends that the Government of Singapore:

- Accede to the *1951 Convention relating to the Status of Refugees*;
- Formulate and enact national asylum legislation in cooperation with UNHCR to protect asylum-seekers and refugees on the territory of Singapore; and
- Pending the establishment of national asylum procedures, consider the possibility of implementing other temporary alternative measures to grant safety and temporary refuge to asylum-seekers and refugees.

¹¹ See, in particular, UNHCR, *Guidelines on International Protection No. 1: Gender-Related Persecution Within the Context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol Relating to the Status of Refugees*, 7 May 2002, HCR/GIP/02/01, available at: <http://www.refworld.org/docid/3d36f1c64.html>.

¹² See, in particular, UNHCR, *Guidelines on International Protection No. 8: Child Asylum Claims under Articles 1(A)2 and 1(F) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees*, 22 December 2009, HCR/GIP/09/08, available at: <http://www.refworld.org/docid/4b2f4f6d2.html>.

¹³ See Committee on the Rights of the Child, *Optional Protocol on the involvement of children in armed conflict*, Concluding Observations (13 October 2014) CRC/C/OPAC/SGP/CO/1, available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/OPAC/SGP/CO/1&Lang=En and Committee on the Rights of the Child, Concluding Observations, Fifty-sixth Session (4 May 2011) CRC/C/SGP/CO/2-3, available at: <http://www.refworld.org/docid/4dcb89f92.html>.

Issue 3: Prevention of trafficking

According to the United States Department of State *2014 Trafficking in Persons Report*, “Singapore is a destination country for men, women, and children from Bangladesh, China, India, Indonesia, Myanmar, the Philippines, Sri Lanka, Thailand, Viet Nam, and elsewhere in Southeast Asia subjected to sex trafficking and forced labour, and a transit country for Cambodian and Filipino men subjected to forced labour on fishing vessels that stop at ports in Singapore...The Government of Singapore does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so...The Government imposed stringent sentences on two convicted sex traffickers, but it did not prosecute or convict any labour traffickers...It developed an improved mechanism for case referral among Governments, civil society, and foreign embassies. However, it continued to face difficulties in identifying and building evidence in cases.”¹⁴

Refugees and asylum-seekers are particularly at risk of falling victim to trafficking or smuggling due to the vulnerable and volatile situations they often face. A proper referral system to a refugee status determination procedure should be established in order to ensure that a victim of trafficking’s right to seek and be granted asylum is fully and duly respected. Victims or potential victims of trafficking who are at risk of persecution, if returned to their countries of origin, may qualify as refugees within the meaning of the *1951 Convention*.¹⁵

During its 1st cycle UPR, Singapore received multiple recommendations regarding trafficking, as well as a specific recommendation to consider ratifying the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, which it accepted but has not yet implemented.¹⁶ Furthermore, the Committee on the Elimination of Discrimination against Women has recommended that the Government of Singapore strengthen its measures to combat all forms of trafficking in women and children, and ensure the prosecution and punishment of individuals involved in trafficking and the protection and rehabilitation of victims of trafficking.¹⁷ The Committee on the Rights of the Child has also recommended that the Government of Singapore ensure prompt and thorough investigation of trafficking cases to ensure proper prosecution of traffickers resulting in punishment with appropriate penalties.¹⁸

Recommendations:

UNHCR recommends that the Government of Singapore:

¹⁴ United States Department of State, *2014 Trafficking in Persons Report - Singapore*, 20 June 2014, available at: <http://www.refworld.org/docid/53aab9aa14.html>.

¹⁵ See, in particular, UNHCR, *Guidelines on International Protection No. 7: The Application of Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees to Victims of Trafficking and Persons At Risk of Being Trafficked*, 7 April 2006, HCR/GIP/06/07, available at: <http://www.refworld.org/docid/443679fa4.html>.

¹⁶ See “Report of the Working Group on the Universal Periodic Review – Singapore”, 11 July 2011, para. 94.19 (recommendation by Belarus and the Philippines), available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/145/27/PDF/G1114527.pdf?OpenElement>.

¹⁷ See Committee on the Elimination of Discrimination against Women, Concluding Observations, Forty-ninth Session (16 January 2012) CEDAW/C/SGP/CO/4/Rev.1, available at: <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-SGP-CO-4-Rev1.pdf>.

¹⁸ See Committee on the Rights of the Child, Concluding Observations, Fifty-sixth Session (4 May 2011) CRC/C/SGP/CO/2-3, available at: <http://www.refworld.org/docid/4dcb89f92.html>.

- Ratify the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, supplementing the *United Nations Convention against Transnational Organized Crime (2000)*;
- Ensure proper investigation, prosecution and adequate sanctions in all cases of human trafficking, including through training of Government officials, such as law enforcement and the judiciary;
- Allocate resources to provide for the adequate protection of victims and witnesses, including through the establishment and running of safe shelters; and
- Establish within the regulations a referral mechanism for victims of trafficking who may be in need of international protection.

Issue 4: Addressing statelessness, including the prevention of childhood statelessness

As part of the mandate given to UNHCR by the United Nations General Assembly to work with States to address statelessness, UNHCR's Executive Committee has requested the reporting of annual statistics on the number of stateless persons globally. In 2014, UNHCR was able to publish statistics on the number of stateless persons in 75 States.

UNHCR notes that in an answer to a Parliamentary Question in 2011, the Deputy Prime Minister, Coordinating Minister for National Security and Minister for Home Affairs stated that: "Over the last ten years from 2003 and 2012, about 500 to 600 stateless persons in Singapore submitted applications for Singapore citizenship annually. An average of 91 per cent of these citizenship applications were approved annually."¹⁹

UNHCR would welcome the provision of statistics on the number of stateless persons residing in Singapore, disaggregated by age, gender, ethnic origin and other relevant characteristics. UNHCR would also welcome disaggregated statistics on the number of stateless persons who acquire nationality annually.

UNHCR notes that in 2011, the Committee on the Rights of the Child commended Singapore for amending its *Constitution* to allow children born after 15 May 2004 to acquire nationality by descent from their Singapore national mothers. However, UNHCR also notes the Committee's concern that this provision was not applied to children born before 15 May 2004 and that these children can be deprived of citizenship. UNHCR observes that there is no protection in Singapore's nationality law to ensure that children born in Singapore who cannot acquire another nationality automatically acquire Singaporean nationality.

Recommendations:

UNHCR recommends that the Government of Singapore:

- Provide UNHCR with up-to-date statistics on the number and profile of stateless persons residing in Singapore and statistics on the number who are able to acquire nationality annually;
- Accede to the *1954 Convention relating to the Status of Stateless Persons* and to the *1961 Convention on the Reduction of Statelessness*; and

¹⁹ See Ministry of Home Affairs, Home Team Speeches, available at: http://www.mha.gov.sg/news_details.aspx?nid=Mjg4Ng%3D%3D-QKqkTATA2k%3D.

- Revise its nationality law to facilitate the realization of every child's right to a nationality through:
 - Making the 2004 amendment to the *Constitution* permitting Singaporean women to transmit their citizenship by descent to their children retrospective;
 - Removing the power to deprive children of nationality; and
 - Closing a gap in the law so that children born in Singapore who cannot acquire another nationality automatically acquire Singaporean nationality.

Human Rights Liaison Unit
Division of International Protection
UNHCR
June 2015

Excerpts of 1st Cycle UPR Recommendations and Concluding Observations from UN Treaty Bodies

SINGAPORE

We would like to bring your attention to the following excerpts from 1st cycle UPR recommendations and UN Treaty Monitoring Bodies' Concluding Observations relating to issues of interest and persons of concern to UNHCR with regards to Singapore.

I. Universal Periodic Review

Report of the Working Group on the Universal Periodic Review, Eighteenth Session (11 July 2011) [A/HRC/18/11](#)

94. The recommendations formulated during the interactive dialogue and listed below have been examined by Singapore and enjoy the support of Singapore:

94.18. Continue its positive engagement with neighbouring countries in combating trafficking in persons (Indonesia); continue the positive participation and coordination with neighbouring countries in the context of combating trafficking in human beings (United Arab Emirates);

94.19. Consider ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Belarus, Philippines).

95. The recommendations formulated during the interactive dialogue and listed below have been examined and enjoy the support of Singapore, which considers that they are already implemented or in the process of implementation:

95.4. Step up efforts in fighting trafficking of human beings (Belarus).

96. The following recommendations will be examined by Singapore, which will provide responses in due time, but no later than by the eighteenth session of the Human Rights Council in September 2011:

96.19. Take measures in order to ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the Republic of Moldova);

Response contained in the Addendum ([A/HRC/WG.6/11/L.9](#))

3. The following recommendations enjoy our support, in part:

ACCEPTED: 96.1–96.11 and 96.13–96.19. Singapore agrees, in part, with the recommendations to consider ratifying other core international human rights instruments. Singapore takes its treaty obligations very seriously and is focused on ensuring the full and effective implementation of its treaty obligations. While Singapore may not be a party to a particular treaty yet, it does not mean that in practice, its policies are not already fully or largely in compliance with its provisions. At the same time, Singapore will continue to study the technical and resource implications of acceding to further major human rights treaties in keeping with its

policy to keep core international human rights instruments under constant study. At the UPR in May, Singapore has confirmed its intention to consider accession to the International Convention on Elimination of All Forms of Racial Discrimination (ICERD) among other instruments.

96.32. Address the concerns raised by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and xenophobia in relation to concerns about migrants and the living and working conditions of migrant workers, abolish corporal punishment for immigration offenders and enact an anti-discrimination law (United Kingdom);

Response contained in the Addendum ([A/HRC/WG.6/11/L.9](#))

ACCEPTED: 96.32. The Singapore Government was pleased to address the UN Special Rapporteur Githu Muigai's concerns during the 17th session of the Human Rights Council (HRC), when he presented his report of his mission to Singapore to the HRC. The Singapore Government's additional comments have been circulated as a HRC document (A/HRC/17/G/12).

96.33. Put in place measures to strengthen the protection of victims of trafficking: among others, to screen and protect victims of human trafficking instead of treating them as criminal offenders, to provide them with temporary shelters during legal proceedings, to support witness protection programs and to provide appropriate remedial measures other than deportation (Thailand).

Response contained in the Addendum ([A/HRC/WG.6/11/L.9](#))

ACCEPTED: 96.33. Singapore is committed to tackling the Trafficking-In-Persons (TIP) issue, and our efforts in dealing with this issue have stepped up over time. The Singapore Government has set up an interagency taskforce to deal with TIP that is exploring future accession to the Palermo Protocol. Trafficking is robustly addressed for both sex and labour cases via effective Prevention, active Prosecution and victim Protection. The Singapore Government has also developed a 4th P - 'Proactive problem solving' together with NGOs and embassies of source countries to share information on possible cross-border syndicate activity. TIP victims are not prosecuted for immigration or other offences as a direct result of being trafficked. Police procedures require an interview to decide whether that individual could, first of all, be a trafficking victim. Regardless of the avenue through which victims are identified, whether at checkpoints, by frontline officers or through raids and other operations, once a person claims to be a victim of trafficking or is identified to be a victim due to the presence of elements of TIP, they will be treated as victims of trafficking. TIP victims are not deported but handed to a dedicated unit specially trained to identify and deal with victims of sex trafficking. The Singapore Government works actively with a network of NGOs, hospitals and schools to ensure that shelter and protection, including legal, financial, medical, psychological and counselling assistance are extended to all victims of trafficking.

The movement of victims at such shelters is not restricted. There are also appropriate witness protection measures in place for TIP victims. The embassies of the countries of the victims are also notified so that the victims can be provided with the full range of humanitarian and consular assistance.

97. The recommendations below did not enjoy the support of Singapore:

97.7. Immediately put a stop to caning as a form of punishment and repeal all laws providing for this punishment (Czech Republic); put an end in practice to all forms of corporal punishment and derogate the laws allowing for this practice (France);

97.8. Put an end to all practices of corporal punishment that takes place in educational facilities and detention centres (Djibouti);

II. Treaty Bodies

Committee on the Rights of the Child, *Optional Protocol on the involvement of children in armed conflict*, Concluding Observations, (13 October 2014) [CRC/C/OPAC/SGP/CO/1](#).

Measures adopted to protect the rights of child victims

23. The Committee notes the information provided by the State party that there are no child victims of offences under the Optional Protocol among refugee and asylum-seeking children. However, the Committee is concerned at:

(a) The lack of information in the State party report about any mechanisms in place to identify children who might have been recruited or used in armed conflict abroad;

(b) The fact that the State party is not a party to any treaties relating to the treatment of refugees; at the absence of a law on the treatment of refugees; and at the possibility that a case-by-case approach may lead to unequal treatment.

24. **The Committee, drawing the State party's attention to its obligations under article 7 of the Optional Protocol, and with reference to the Committee's previous recommendations under the Convention (CRC/C/SGP/CO/2-3, para. 61), urges the State party to put in place mechanisms to ensure the full protection of asylum-seeking and refugee children, particularly unaccompanied children, in line with international standards, and to identify at an early stage asylum-seeking, refugee or migrant children who may have been involved in armed conflict abroad. The Committee furthermore urges the State party, in so doing, to:**

(a) Apply a child-specific refugee definition and child-sensitive asylum-claim procedures, and provide for procedural safeguards addressing the specific needs of unaccompanied and separated asylum-seeking and refugee children;

(b) Uphold the principle of non-refoulement in all circumstances;

(c) Make sure that personnel responsible for such identification are trained on child rights, child protection and child-sensitive interviewing skills;

(d) Ensure that no child is forcibly returned to his or her country of origin, if he or she may have been, or is at risk of becoming, a victim of any of the crimes under the Optional Protocol there;

(e) Develop specialized services to ensure that children who have been, or may have been, involved in armed conflict are provided with appropriate assistance for their physical and psychological recovery and their social reintegration.

25. The Committee recommends that the State party consider ratifying the 1951 Convention relating to the Status of Refugees and its 1967 Protocol; the 1954 Convention relating to the Status of Stateless Persons; and the 1961 Convention on the Reduction of Statelessness. The Committee also recommends that the State party take into account its general comment No. 6 (2005) on the treatment of unaccompanied and separated children outside their country of origin.

Committee on the Elimination of Discrimination against Women
Concluding Observations, Forty-ninth Session (16 January 2012)
[CEDAW/C/SGP/CO/4/Rev.1](#)

Trafficking

25. While welcoming the establishment in March 2011 of the Inter-agency Task Force on Trafficking in Persons and the adoption of the definition of “trafficking in persons” as defined in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, the Committee remains concerned at the continuing prevalence of trafficking in women and girls in the country and the alleged criminalization and deportation of trafficked women and girls as immigration offenders, as well as the low reporting rate. The Committee is also concerned at the lack of a comprehensive legal framework to combat trafficking and provide protection for victims.

26. **The Committee calls upon the State party to:**

- (a) **Ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;**
- (b) **Enact specialized legislation against trafficking in persons that includes the internationally recognized definition of human trafficking, in order to better identify victims of trafficking and prosecute traffickers;**
- (c) **Strengthen its measures to combat all forms of trafficking in women and children, including through increased international, regional and bilateral cooperation with countries of origin and transit, in line with article 6 of the Convention, as well as through training of the judiciary, law enforcement officials, border guards and social workers in the country;**
- (d) **Ensure the prosecution and punishment of individuals involved in trafficking and the protection and rehabilitation of victims of trafficking.**

Employment

29. The Committee reiterates its concern regarding the State party’s reservation to article 11, paragraph 1, of the Convention and remains concerned at the continuing vertical and horizontal occupational segregation, the persistent wage gap between women and men, and the lack of a legal definition and prohibition of sexual harassment. The Committee expresses its concern that the paid maternity leave of 16 weeks applies only to citizen births and that single unwed mothers do not receive the same benefits as married women. The Committee is deeply concerned at the cases in which pregnant employees were forced to resign.

30. The Committee urges the State party to:

- (a) Withdraw its reservation to article 11, paragraph 1, and to adopt effective measures to eliminate occupational segregation, both horizontal and vertical;**
- (b) Ensure that all women employees, in both the public and private sectors, are guaranteed paid maternity leave, regardless of their nationality and marital status;**
- (c) Adopt legislation guaranteeing equal pay for work of equal value to narrow and close the wage gap between women and men in accordance with Convention No. 100 of the International Labour Organization (ILO), concerning Equal Remuneration for Men and Women Workers for Work of Equal Value;**
- (d) Take steps to enact legislative provisions on sexual harassment in the workplace as well as in educational institutions, including sanctions, civil remedies and compensation for victims.**

Foreign domestic workers/foreign wives

31. While recognizing the comprehensive set of legislative, administrative and educational measures adopted by the State party to protect foreign domestic workers, and the adoption of the new employment agency regulatory framework under the Employment Agencies Act in April 2011 to raise the standard of recruitment processes and minimize abuses and malpractices, the Committee remains concerned at the situation of foreign domestic workers, in particular with regard to the mandatory regular testing for pregnancy and sexually transmitted diseases, the prohibition against marrying Singaporeans and the lack of a mandatory day off. The Committee also reiterates its previous concern about the situation of foreign wives of Singaporean citizens, especially with regard to their right to work and their permanent residence status in the country.

32. The Committee encourages the State party to:

- (a) Review and amend the existing labour legislation so that it applies to foreign domestic workers, or adopt new legislation ensuring that foreign domestic workers are entitled to adequate wages, decent working conditions, including a day off, benefits and access to complaint and redress mechanisms;**
- (b) Review and repeal the law requiring a work-permit holder, including foreign domestic workers, to be deported on grounds of pregnancy or the diagnosis of sexually transmitted diseases such as HIV/AIDS;**
- (c) Provide work permits to foreign wives with a social visit pass and review its system of granting citizenship to foreign wives within a clear and reasonable time frame after marriage;**
- (d) Ratify ILO Convention No. 111, concerning Discrimination in Respect of Employment and Occupation, and sign and ratify ILO Convention No. 189, concerning Decent Work for Domestic Workers.**

Committee on the Rights of the Child

Concluding Observations, Fifty-sixth Session (4 May 2011) [CRC/C/SGP/CO/2-3](#)

Name and nationality

35. While welcoming the amendment to the Constitution in April 2004, allowing children to acquire citizenship by descent from their mothers, the Committee notes with concern that this amended law is applied only to children born on or after 15 May 2004. The Committee is concerned that there is still a number of stateless children in the State party, and that under specific circumstances, children can be deprived of their citizenship under article 129.2 (a) of the Constitution.

36. The Committee recommends that the State party to revise its nationality law with a view to preventing children from being deprived of their citizenship, and to consider granting citizenship to all children born before 2004 of Singaporean mothers.

Asylum-seeking and refugee children

60. The Committee is concerned that the State party is not a party to any treaties relating to the treatment of refugees. It is also concerned that the State party has no law governing the treatment of refugees and that a case-by-case treatment can lead to arbitrariness.

61. The Committee urges the State party to develop a legislative framework for the protection of asylum-seeking and refugee children, particularly unaccompanied children, in line with international standards, and consider ratifying the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, the 1954 Convention relating to the Status of Stateless Persons, and the 1961 Convention on the Reduction of Statelessness. The Committee also recommends the State party to take into account its general comment No. 6 (2005) on the treatment of unaccompanied and separated children outside their country of origin.

Economic exploitation including child labour

62. While noting that the State party has amended the Employment Act in 2004, raising the minimum age of employment from 12 to 13 years, the Committee is concerned that the minimum age of employment is lower than the age of compulsory schooling. The Committee also notes that there is no information on monitoring the working and living conditions of child labour in the State party's report.

63. The Committee recommends that the State party strengthen its efforts to prevent the economic exploitation of all children within its jurisdiction, and notably raise the minimum age of employment with a view to harmonizing it with the age of compulsory schooling (15 years) provided for under the Compulsory Education Act. The Committee also recommends that the State party research and monitor the working and living conditions of child labour, and include this information in its next report.

Sexual exploitation and abuse

64. The Committee welcomes the amendment of the Penal Code (Cap. 224), enhancing the protection of children against commercial sexual exploitation committed by persons under the State party's jurisdiction. However, the Committee expresses grave concern that:

(a) Relevant national legislation does not cover the full range of prohibitions contained in Article 3(b) of ILO Convention No. 182 on the Worst Forms of Child Labour, namely, the use, procuring or offering of a child under 18 years for the production of pornography or for pornographic performances;

(b) Limited action has been taken by the State party to combat sexual exploitation and abuse of children, including child sex tourism, and the impunity that perpetrators of such abuse enjoy;

(c) Such cases may be underreported as indicated in the statistical information provided by the State party;

(d) Child victims of sexual exploitation are often considered and treated as prostitution offenders; and

(e) Despite extraterritorial jurisdiction regarding the sexual exploitation of children committed by persons under the State party's jurisdiction, the State party has hardly investigated, prosecuted or convicted a national or permanent resident for child sex tourism.

65. The Committee urges the State party to fulfil its obligations under article 34 of the Convention, and to develop, as a matter of priority, a systematic response to reports of sexual abuse and exploitation. In particular, the Committee urges the State party to take effective measures to:

(a) Bring its legislation into conformity with article 3(b) of ILO Convention No. 182 on the Worst Forms of Child Labour;

(b) Strengthen its efforts to implement legislation which criminalizes acts of sexual exploitation and abuse, with a view to ensuring that the perpetrators of sexual offences against children are duly brought to justice and sanctioned with appropriate penalties;

(c) Establish shelters for child victims of sexual abuse and exploitation, where children are provided with rehabilitation, recovery and social reintegration services;

(d) Set up an effective and systematic monitoring mechanism for gathering data to ascertain the number of victims and trends; and

(e) Develop a code of conduct for the protection of children from sexual exploitation in tourism, and foster more active involvement of the tourism industry and the media.

Sale, trafficking and abduction

66. The Committee welcomes the criminalization in domestic legislation of the sale, trafficking and abduction of children and notes the efforts made by the State party in providing facilities and programmes for victims of trafficking and prostitution, inter alia, a hotline, counselling, translation and residential services. However, the Committee is concerned that despite the legal framework and the efforts made, the State party is a destination country for children subjected to trafficking in persons, but the relevant data indicated in the report of the State party report shows unusually low numbers of cases. Furthermore, the Committee is concerned that the State party does not investigate all

trafficking cases that are reported, or punish perpetrators with appropriate penalties and that in some cases children victims of trafficking are treated as offenders and arrested for violation of immigration laws.

67. The Committee recommends that the State party:

- (a) Ensure that all trafficking cases involving children, in particular for commercial sexual exploitation, are promptly and thoroughly investigated and that perpetrators are prosecuted and punished with appropriate penalties;**
- (b) Take all necessary legislative measures to prevent children who are victims of trafficking from being treated as offenders, in particular, ensuring that they are not detained, that they are provided with appropriate rehabilitative care, that they are reunited with their families, and that they are permitted to remain in the territory of the State party sufficiently long to be an active party in a judicial process against their traffickers;**
- (c) Conduct a study, with the involvement of civil society, on the nature and scope of the sale, trafficking and abduction of children in the State party;**
- (d) Raise public awareness about the extent to which trafficking is a problem within the State party's territory and the detrimental effects of child trafficking on the victims;**
- (e) Strengthen and expand bilateral and multilateral agreements and cooperation programmes with countries of origin, transit and destination to prevent trafficking in children;**
- (f) Ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2000); and**
- (g) Strengthen cooperation with, among others, the ILO/IPEC, International Organisation for Migration and non-governmental organisations.**